

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SECURITIES AND EXCHANGE COMMISSION,)

Plaintiff,)

v.)

ROGER A. HOUSEHOLDER,)
APEX CAPITAL MANAGEMENT CORPORATION,)
APEX LIMITED PARTNERSHIP,)
HOUSEHOLDER ACCOUNTING, INC. and)
AAPEX EQUITY ADVISORS, INC.)

Defendants,)

Case No. 2 C 4128

Manning

DOCKETED

AUG 06 2002

NOTICE OF MOTION

To: Mr. Kristopher S. Heston
Senior Attorney-Division of Enforcement
United States Securities and Exchange Commission
Midwest Regional Office
175 West Jackson Boulevard - Suite 900
Chicago, IL 60604

PLEASE TAKE NOTICE that on August 1, 2002, at 11:00 a.m., or as soon thereafter as the parties may be heard, I shall appear before the Honorable Blanche M. Manning, or any other judge sitting in her stead, in Room 2125 of the United States District Court, 219 South Dearborn Street, Chicago, Illinois, and present a motion to modify the temporary restraining order, a copy of which is attached and hereby served upon you.

Roger A. Householder

Roger A. Householder

Roger A. Householder
1119 South Greenwood Avenue
Park Ridge, IL 60068
312/318-0842

AFFIDAVIT OF SERVICE

Roger Householder states under penalties of perjury that he caused a copy of the foregoing to be served by fax delivery on July 29, 2002, before 5:00 p.m., upon the foregoing.


Roger A. Householder

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MOTION OF ROGER HOUSEHOLDER TO MODIFY TEMPORARY RESTRAINING ORDER

Defendant Roger Householder moves to modify the temporary restraining order that prohibits the use of his assets and those of Householder Accounting, Inc., as follows:

1. The temporary restraining order entered June 11, 2002 and continued from time to time prohibits me from, among other things, paying my bills and from complying with the orders of the bankruptcy court in my chapter 13 proceeding.

2. The bankruptcy court had ordered me to pay \$ 1,096,389.52 to certain persons who had filed proofs of claim arising out of investments, \$ 367,441.21 to Countrywide Home Loans for my 1st residential mortgage, \$ 92,780.02 to HomeEq Servicing Corporation for my 2nd residential mortgage and \$ 36,325 to Tom Vaughn, Chapter 13 Trustee. I have been unable to make any payments and am now \$ 19,066.38 in arrears on the home in which I live with my wife and three children under the age of 11.

3. I have also been unable to pay the bills set forth on a second attachment to this motion.

4. I have received some income after June 10, 2002 from my accounting practice, but have been prohibited from applying it to my obligations.

5. On July 25, 2002, I appeared before the bankruptcy court regarding, among other things, the demands of the bank holding the mortgage on my home. Mr. Heston of the SEC also appeared. The bankruptcy court continued the matter to August 15, 2002, after this court is expected to rule on the SEC's motion for a preliminary injunction and the Magistrate Judge's report and recommendation.

6. The temporary restraining order is causing great hardship upon me and my family. I have asked the SEC repeatedly for some modification so as to allow my basic living expenses to be paid. Based on its refusal and its clearly stated intention to cause me to lose my house, I can only conclude that this hardship was intended. I ask this court to consider my assets and liabilities, which I provided to the SEC on one day's notice, and which is attached, as well as my expenses, also attached.

For these reasons, I ask this court to modify the temporary restraining order to permit me to expend \$3,000 per month to meet my living expenses and to operate my business.

A handwritten signature in black ink, reading "Roger A. Householder". The signature is fluid and cursive, with the first name "Roger" and last name "Householder" clearly distinguishable.

Roger A. Householder

Roger A. Householder
1119 South Greenwood Avenue
Park Ridge, IL 60068
312/318-0842

PAGE NO.		ASSETS	VALUE
		ROGER A. HOUSEHOLDER	PAGE 1 OF 2
		ASSETS & LIABILITIES AS OF 6/14/02	
40		SINGLE FAMILY RESIDENCE	\$ 325,000.00
		1119 S. GREENWOOD AVENUE	
		PARK RIDGE, IL 60068	
		TENANCY BY THE ENTIRETY	
		1/2 INTEREST	
3		PERSONAL CHECKING ACCOUNTS:	
		TCF BANK--ACCOUNT #8875172155	\$ 660.00
10		FIRST AMERICAN BANK #45000170810	\$ 637.00
7		EDENS BANK #176346	\$ 2.00
30		401-K RETIREMENT PLAN	\$ 9,887.00
		AMERITRADE ACCOUNT #773249663	\$ 1,440.00
		ORDINARY HOUSEHOLD GOODS	\$ 5,000.00
		AND FURNISHINGS	
		ORDINARY BOOKS, PICTURES, CD's	\$ 1,000.00
		PAINTINGS, COLLECTIBLES	
		ORDINARY EVERYDAY CLOTHING	\$ 1,915.00
		TERM LIFE INSURANCE:	
		AICPA INSURANCE #3175090	\$ -
		FIRST COLONY #2274222	\$ -
		C.N.A.#VILMOO1489	\$ -
		1000 SHARES HOUSEHOLDER ACCOUNTING	
		SERVICES, INC.	
1		TCF CHECKING	\$ 262.00
		ACCOUNT RECEIVABLES	\$ 7,950.00
		OFFICE EQUIPMENT	\$ 1,750.00
			\$ 9,962.00
		1988 SAILBOAT TRAILER	\$ 75.00
		1988 CATALINA 14' SAILBOAT	\$ 200.00
		TOTAL ASSETS	\$ 355,778.00
		LIABILITIES:	
23		COUNTRYWIDE HOME LOANS	\$ 367,441.00
28		HOMEQ MORTGAGE	\$ 92,277.00

ROGER A. HOUSEHOLDER
ASSETS & LIABILITIES AS OF 6/14/02

PAGE 2 OF 2

BANKRUPTCY TRUSTEE CASE # 01B43007	\$ 33,297.00
CAPITAL ONE VISA	\$ 231.00
ORCHARD BANK MASTERCARD	\$ 132.00
SHELL OIL CREDIT CARD	\$ 158.00
DOROTHY CIMOCHOWSKI	\$ 329,110.00
GLORIA DUDAY	\$ 68,644.00
GLORIA DUDAY, IRA	\$ 33,500.00
DARLENE T. DEMENT	\$ 34,884.00
DARLENE T. DEMENT, IRA	\$ 54,048.00
DANIEL SOKOLOW	\$ 234,351.00
PETER SOKOLOW	\$ 105,458.00
CHRISTIAN & MARY MANCHESTER	\$ 100,562.00
JOHN & CLAIRE GLAZIK	\$ 61,369.00
CLARA GLAZIK	\$ 20,964.00
ROGER CHILEWSKI	\$ 11,716.00
ALLISON CHILEWSKI	\$ 5,028.00
KAREN RIORDAN, IRA	\$ 23,213.00
20 ILLINOIS DEPARTMENT OF REVENUE	\$ 1,744.00
TOTAL LIABILITIES	<u>\$ 1,578,127.00</u>
NET WORTH	<u><u>\$ (1,222,349.00)</u></u>

2nd ATTACHMENT TO MOTION OF ROGER HOUSEHOLDER TO MODIFY ASSET FREEZE

HOUSEHOLDER ACCOUNTING FEES RECEIVED \$ 4,483.50
 FROM JUNE 10 THRU JULY 28, 2002

EXPENSES THAT ARE LATE OR NEED TO BE PAID:

FORTIS MEDICAL INSURANCE	\$ 205.92	DUE 7/20/02
COMMONWEALTH EDISON	\$ 472.92	2 MONTHS LATE
DR. KENNEY-CHILDREN'S DENTIST	\$ 452.00	DUE 7/2/02
AMERITECH-HOME TELEPHONE	\$ 100.37	DUE 7/10/02
STATE OF ILLINOIS-INCOME TAX	\$ 400.00	2 MONTHS LATE
NATIONWIDE AUTO INSURANCE	\$ 361.00	DUE 7/12/02
CITY OF PARK RIDGE-WATER	\$ 62.00	DUE 7/20/02
SHELL OIL-AUTOMOBILE GAS	\$ 199.00	DUE 7/7/02
CHILDREN'S SCHOOL TEXTBOOK FEES	\$ 540.00	DUE 8/1/02
PAID LUNCH PROGRAM-3 CHILDREN	<u>\$ 435.00</u>	DUE 8/1/02
TOTAL EXPENSES	<u>\$ 3,228.21</u>	

STATE OF ILLINOIS

COUNTY OF COOK

AFFIDAVIT

ROGER A. HOUSEHOLDER being first duly sworn on oath, deposes and states that he has knowledge of the information set forth in the attachments to the motion of Roger Householder to modify temporary restraining order and that to the best of his knowledge and belief, the information is correct and complete.

Roger A. Householder
Signature

SUBSCRIBED AND SWORN TO
Before me this 29th day
of JULY, 2002.

Russell W. Okumura
NOTARY PUBLIC

